

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**DARRYL DEVON GASTON,)
Petitioner,)
v.) 1:14CV1051
) 1:06CR310-1
UNITED STATES OF AMERICA,)
Respondent.)**

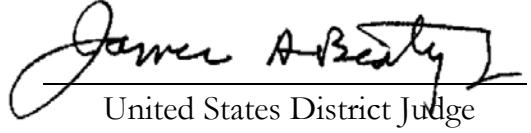
O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on December 30, 2014, was served on the parties in this action. Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that this action be filed and dismissed *sua sponte* for failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the court of appeals as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local Rule 22(d). A judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the

denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.



United States District Judge

Date: March 13, 2015